

**REMARKS**

Claims 11 and 23 have been amended. Claims 1, 9, 11, 12, 21, 23, 24, 26 and 32-38 are pending and under consideration. Claims 1, 12 and 32 are the independent claims. No new matter is presented in this Amendment.

**REJECTIONS UNDER 35 U.S.C. §112:**

Claims 11 and 23 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 23 have been amended to correct the minor antecedent basis issues noted by the Examiner regarding these claims. Accordingly, Applicants respectfully request that the rejection of claims 11 and 23 under 35 U.S.C. §112, second paragraph be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §103:**

Claims 1, 9, 12, 21, 24, 26, and 32-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohno et al. (U.S. Patent Application Publication 2002/0024923), in view of Ito et al (U.S. Patent No. 5,881,032).

Applicants respectfully traverse this rejection for at least the following reason.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an information storage medium comprising: a user data area provided with a sequence of basic recording units to record user data, wherein information about the user data area, where user data is recorded, is recorded in at least one of a run-in area and a run-out area of each basic recording unit of the user data area, and wherein the information about the user data area includes layer information of the information storage medium recorded in the form of consecutive patterns of identical intervals or in the form of different patterns of different sized intervals.

The Office Action states that each of the link blocks, run-in blocks, dummy blocks, and run-out blocks of FIG. 7 of Ohno serve as an indication of where the user data blocks are located since there is a discrete number of each type of block. This is especially true since the link and run-in blocks must be recorded prior to the recording of the user data blocks, thus indicating on a block-by-block basis where the user data is recorded.

Applicants respectfully traverse such characterization for at least the following reason. Although Ohno does in fact disclose link blocks, run in blocks, and dummy blocks, arranged in a predetermined order in a packet, it is not clear how these blocks include information indicating where user data is recorded.

For example, Ohno discloses that the link block (1 block) is for connecting with a run-out block in a preceding packet seamlessly and the subsequent run-in blocks (4 blocks) are run up portions for synchronizing with a sector of CD-ROM disc. The run-out blocks (2 blocks) on the other hand, are a protection area of the user data blocks for connecting with a subsequent link block seamlessly (paragraph [0018]). Finally, Ohno discloses that the dummy blocks prevent an optical pickup for a CD-ROM disc drive from proceeding to read in a blank area of the recording medium (paragraph [0094]). In other words, each block has information for performing specified functions, yet none of the information recorded on the blocks indicates where user data is recorded, as recited in independent claim 1.

Accordingly, Applicants respectfully assert that Ohno fails to teach or suggest, at least this novel feature of independent claim 1.

Ito also fails to cure this deficiency of Ohno.

Ito is relied upon solely for a teaching of the information about the user data area including layer information of the information storage medium and recorded in the form of consecutive patterns of identical intervals, or in the form of different patterns of different sized intervals. In particular the Office Action relies on column 2, lines 6-11 and FIG. 4 for such teachings. However, Applicants respectfully assert that Ito fails to teach or suggest such novel features.

Ito discloses an optical disk having first and second recording layers placed one over the other in such a manner that information recorded in each layer is optically readable from one side of the disk (abstract). The information is recorded in the form of tracks, each track including a plurality of sectors and each sector including a header containing the address of each sector, a data block on which user data is recorded and an error correction code (ECC) block on which a code used for error correction during the reproduction is recorded (column 1, lines 13-19 and column 2, lines 6-11).

Accordingly, although Ito discloses a plurality of areas having information recorded thereon, such as, address information, code information and data, Ito makes no reference or suggestion that this information relates to layer information, and in particular, layer information recorded in the form of consecutive patterns of identical intervals or in the form of different

patterns of different sized intervals.

Therefore, Ito fails to teach or suggest at least this novel feature of independent claim 1.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn because neither Ohno nor Ito, whether taken singly or combined teach or suggest each feature of independent claim 1.

Regarding the rejections of independent claims 12 and 32, it is noted that these claims recite some substantially similar features as claim 1. Thus, the rejections of these claims are also traversed for the reasons set forth above.

Furthermore, Applicants respectfully assert that dependent claims 9, 21, 24, 26 and 33-35 are allowable at least because of their dependency from claims 1, 12 and 32 and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 9, 21, 24, 26 and 33-35 also distinguish over the prior art.

#### **CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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